



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Donnelly, et al.		
Serial No.:	09/835,694	Case No.:	18972PCA
Filed:	April 16, 2001		
For:	NUCLEIC ACID VACCINES AGAINST HUMAN INFLUENZA VIRUS (As amended herein)		

Art Unit: 1636

Examiner:
McKelvey, Terry A.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
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ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY:

DATE: DECEMBER 2, 2003

**RESPONSE TO RESTRICTION
REQUIREMENT, 35 U.S.C. § 121,
AMENDMENT, 37 CFR 1.111**

Sir:

In response to the Office Action mailed 03 October 2003, please enter the following election and amendments as well as considering the following remarks.

A Petition to Extend Time, under 37 C.F.R. §1.136(a), for one (1) month, as a large entity, is enclosed. If any additional time for responding to this action is required, please treat this paper as a request under 37 C.F.R. §1.136(a) to extend the time further, as required, and charge Deposit Account No. 13-2755 the appropriate fee as a large entity.

No additional fee has been calculated to be due in regard to responding to the Restriction Requirement and entry of this Amendment. However, if any fee is due for entry of these papers, please charge the fee(s) to Deposit Account No. 13-2755, as a large entity.

Please credit any overpayment or charge any fee deficiency to Deposit Account No. 13-2755.

Amendments to the Title – At page 1, under the heading TITLE OF THE INVENTION, please delete the present title and insert the following title:

-- NUCLEIC ACID VACCINES AGAINST HUMAN INFLUENZA VIRUS --.

Amendments to the Specification - None

Amendment to the Claims:

Please cancel claim 4-6 and 18-25, without prejudice.

Please amend claims 1, 3 9 and 11 as shown in the *Listing of the Claims*.

These claim amendments are reflected in the listing of the claims which begins on page 3 of this paper.

Amendments to the Drawings – None

Remarks begin on page 5 of this paper.

Response to Restriction Under 35 U.S.C. §121 begins on page 6 of this paper.



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT
CASE NO. 18972PCA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: DONNELLY ET AL.

Serial No. 09/835,694

Filed April 16, 2001

Group Art Unit 1636

Examiner Terry A. McKelvey

For: NUCLEIC ACID VACCINES AGAINST HUMAN INFLUENZA
VIRUS (as amended herein)

Transmitted herewith is an amendment in the above-identified application.

☒ No additional fee is required.

☐ The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims	* <u>17</u>	-	** <u>25</u> =	<u>0</u> X	\$18	= <u>0.00</u>
Independent Claims	* <u>3</u>	-	*** <u>11</u> =	<u>0</u> X	\$86	= <u>0.00</u>
Multiple Dependent Claims					\$290 ****	= <u> </u>
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT →						0.00

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.

**** Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 0.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

Respectfully,

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

By J. Mark Hand Date Dec. 2, 2003
MERCK & CO., INC.

J. Mark Hand
By: J. Mark Hand

Attorney for Applicant(s)

Reg. No. 36,545

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Date: December 1, 2003

IN DUPLICATE